

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re
Ely Yao
xxx-xx-9438

Debtor

No. 10-15540 JA

**DEBTOR'S MOTION FOR CONVERSION OF CHAPTER 7 CASE TO
CHAPTER 13 AND TO REINSTATE CONFIRMED PLAN
(11 U.S.C. 706(c), FRBP 1017(f)(1))**

Ely Yao, the debtor in this chapter 7 case, hereby moves for conversion of this chapter 7 case to Chapter 13 and states as follows:

1. This case was commenced as a Chapter 13 case on November 1, 2010.
2. Debtor's Chapter 13 Plan was confirmed on April 18, 2011 (Docket#37).
3. Debtor converted the Chapter 13 to Chapter 7 pursuant to 11 U.S.C. 1307(a) on June 22, 2015 (Doc.#65). At the time of the conversion, Mr. Yao had made 54 of 58 required plan payments (\$54,840.00). With tax refunds, the Chapter 13 trustee received a total of \$55,314.63.
4. The Chapter 7 meeting of creditors was held and concluded on July 20, 2015, and Edward Alexander Mazel, the Chapter 7 Trustee, filed the Trustee's Report of No Distribution.
5. A discharge under 11 U.S.C. 727 has not been entered in this case.
6. Mr. Yao remains eligible to be a debtor under chapter 13 and wants to reconvert his case to Chapter 13 and complete his plan payments.
7. Mr. Yao has saved the payments that would have been due under the confirmed Plan if it had continued under Chapter 13. If the case is reconverted to Chapter 13 and the plan is reinstated, he will immediately submit the payments to the Chapter 13 Trustee which would have been due but for the conversion to Chapter 7, and

will make remaining payments as they fall due to complete payments due as ordered under the previously confirmed plan.

WHEREFORE, debtor moves to reconvert this case to Chapter 13 pursuant to 11 U.S.C. 706(c) and to reinstate the Plan confirmed on April 18, 2011.

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